

Article - Environment

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§9–270.

(a) If, by violating any applicable statute, regulation, or permit condition, a sewage treatment plant that has a design capacity of 1,000,000 gallons or more per day creates a nuisance or otherwise may affect adversely public health or the environment, the person who owns or operates the sewage treatment plant is liable to the State for an administrative civil penalty not exceeding \$10,000 a day.

(b) The penalty imposed under this section shall be assessed with consideration given to:

(1) The extent to which the existence of the violation was known to the violator but uncorrected by the violator and the extent to which the violator exercised reasonable care;

(2) Any actual or potential harm to human health or to the environment, including injury to or impairment of the natural resources of the State;

(3) The degree of interference with general welfare, health, or property rights of the public;

(4) The extent to which the location of the violation creates the potential for harm to the environment or to human health or safety;

(5) The available technology for controlling, reducing, or eliminating the emissions that caused the violation; and

(6) The extent to which the current violation is part of a recurrent pattern of the same or similar type of violation committed by the violator.

(c) Each day a violation continues is a separate violation under this section.

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